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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,930	12/21/2000	Lawrence M. Ausubel	21736/0011	7304

7590 07/14/2005

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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/740,930	Applicant(s) AUSUBEL ET AL.	
	Examiner Frantzy Poinvil	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-102 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-102 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/11/05 & 5/26/05</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 51-53, 61-62, 75-77, 85-86, 99 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson et al. (US Patent No. 6,415,270).

As per claims 51-53, 62, 75-77, 86, 99 and 100, Rackson et al disclose a multi-auction service system for auctioning a plurality of different types of items. The system detects bids at a plurality of remote auction services for an item in order to replicate an optimal bid at each of the remote auction services. See the abstract. Rackson et al state that a seller may sell a each of a plurality of different items as a set of items or as each individual item. See column 10, line 64 to column 11, line 8. Rackson et al further state that "the items to be auctioned may therefore be listed once at each remote auction service, more than once in different categories on a remote auction service or more than once in many categories on more than one remote auction service". See column 11, lines 46-50. Thus a bidder may bid on more than one auction for a quantity of the same or different items. Rackson et al further state:

"The method of the current invention may also be used to coordinate the purchase of more than one of the target item. In another version of the invention, relative value rules may be established where a bidder is bidding on two or more similar but not identical items and only wants a certain number. For example, where there are 2 similar stereos and the bidder says "I will pay a 10% premium

for stereo B over stereo A, but never more than \$350 for either". The system will utilize this rule to identify and bid on the items sought with the rule enforcing the bidding preference. Based on the bids encountered the system may alternately bid on one or the other item as the bids progress until the close of the auction. Bidders may optionally define rules for the total price or individual price not to be exceeded for multiple items for a quantity desired such that the bidding is stopped by the multi-auction service. "

This passage emphasizes on constraining inputted bids of a first item based on bids placed for a second item. Rackson et al do not explicitly state that these items are on different auctions. It would have been obvious to one of ordinary skill in the art at the time of the invention to do so when viewing Rackson et al because Rackson et al deal with bidding on a plurality of remote auctions. Thus a more prudent bidder with limited funds desiring to win at least one particular auctioned item would have been advised to place bids on an item based on what he/she would bid on another item so as to better allocate his funds and at the same time increasing his/her chance of winning at least one of the desired items.

Steps of assigning the first set of items to bidders based on the bids in force at the time the computer-implemented auction was terminated is routinely done in most auction systems as such would have been obvious for one of ordinary skill in the art to do in the system of Rackson et al in order to provide winners their winning items.

As per claim 61, 85, Rackson et al disclose various options for terminating an auction. If no new bids are submitted, the auction may be terminated based on the currently submitted bid or time. Also, in the system of Rackson et al., new bidding information is being transmitted to bidders in the event that the computer-implemented auction is not terminated.

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2. Claims 54-60, 63-74, 78-84, 87-98, 101 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson et al. (US Patent No. 6,415,270) in view of Frits.

As per claims, 54-60 and 78-84, the teachings of Rackson et al are discussed above.

Rackson et al do not explicitly state the items in the second set are communication licenses and items in the first set are clearing rights related to communications licenses or the items are airport landing rights.

Granting of a first license that requires another license is well known in the art of communication and that one license may work in complement with another license. See the teachings of Brian Frits at page 13 of the article entitled "Private property, economic efficiency and spectrum policy in the wake of the C block auction". Having complementary objects as taught by Frits in the system of Rackson et al would have been obvious to one of ordinary skill in the art at the time of the invention in order to increase the efficiency of auction allocation and to allow an entity to enter a package bid for a group of associated licenses.


As per claims 63-74, 87-98, 101 and 102, the teachings of Rackson et al and Frits are discussed above. These claims contain features recited in the claims 51-60 and these claims are rejected under a similar rationale applied therein. Thus, applicant is directed to the above noted rejection.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
July 7, 2005